

H 3996

## CONGRESSIONAL RECORD — HOUSE

July 12, 1982

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARNES) that the House suspend the rules and pass the joint resolution (H.J. Res. 494), as amended.

The question was taken.

Mr. BARNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1982

Ms. FERRARO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2240) to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules.

The Clerk read as follows:

S. 2240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Flexible and Compressed Work Schedules Act of 1982".*

Sec. 2. (a) Chapter 61 of title 5, United States Code, is amended—

(1) by inserting before section 6101 the following:

**"SUBCHAPTER I—GENERAL PROVISIONS";**

and

(2) by adding at the end thereof the following new subchapter:

**SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES**

**"§ 6120. Purpose**

"The Congress finds that the use of flexible and compressed work schedules has the potential to improve productivity in the Federal Government and provide greater service to the public.

**"§ 6121. Definitions**

"For purposes of this subchapter—

"(1) 'agency' means any Executive agency, any military department, and the Library of Congress;

"(2) 'employee' has the meaning given it by section 2105 of this title;

"(3) 'basic work requirement' means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise;

"(4) 'credit hours' means any hours, within a flexible schedule established under section 6122 of this title, which are in excess of an employee's basic work requirement

and which the employee elects to work so as to vary the length of a workweek or a workday;

"(5) 'compressed schedule' means—

"(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays; and

"(B) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays;

"(6) 'overtime hours', when used with respect to flexible schedule programs under section 6122 through 6126 of this title, means all hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours;

"(7) 'overtime hours', when used with respect to compressed schedule programs under sections 6127 and 6128 of this title, means any hours in excess of those specified hours which constitute the compressed schedule; and

"(8) 'collective bargaining', 'collective bargaining agreement', and 'exclusive representative' have the same meanings given such terms—

"(A) by section 7103(a)(12), (8), and (16) of this title, respectively, in the case of any unit covered by chapter 71 of this title; and

"(B) in the case of any other unit, by the corresponding provisions applicable under the personnel system covering this unit.

"§ 6122. Flexible schedules; agencies authorized to use

"(a) Notwithstanding section 6101 of this title, each agency may establish, in accordance with this subchapter, programs which allow the use of flexible schedules which include—

"(1) designated hours and days during which an employee on such a schedule must be present for work; and

"(2) designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

An election by an employee referred to in paragraph (2) shall be subject to limitations generally prescribed to ensure that the duties and requirements of the employee's position are fulfilled.

"(b) Notwithstanding any other provision of this subchapter, but subject to the terms of any written agreement referred to in section 6130(a) of this title, if the head of an agency determines that any organization within the agency which is participating in a program under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may—

"(1) restrict the employees' choice of arrival and departure time,

"(2) restrict the use of credit hours, or

"(3) exclude from such program any employee or group of employees.

"§ 6123. Flexible schedules; computation of premium pay

"(a) For purposes of determining compensation for overtime hours in the case of an employee participating in a program under section 6122 of this title—

"(1) the head of an agency may, on request of the employee, grant the employee compensatory time off in lieu of payment for such overtime hours, whether or not irregular or occasional in nature and notwithstanding the provisions of sections 5542(a),

5543(a)(1), 5544(a), and 5550 of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act (29 U.S.C. 207), or any other provision of law; or

"(2) the employee shall be compensated for such overtime hours in accordance with such provisions, as applicable.

"(b) Notwithstanding the provisions of law referred to in subsection (a)(1) of this section, an employee shall not be entitled to be compensated for credit hours worked except to the extent authorized under section 6126 of this title or to the extent such employee is allowed to have such hours taken into account with respect to the employee's basic work requirement.

"(c)(1) Notwithstanding section 5545(a) of this title, premium pay for nightwork will not be paid to an employee otherwise subject to such section solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which such premium pay is otherwise authorized, except that—

"(A) if an employee is on a flexible schedule under which—

"(i) the number of hours during which such employee must be present for work, plus

"(ii) the number of hours during which such employee may elect to work credit hours or elect the time of arrival at and departure from work,

which occur outside of the nightwork hours designated in or under such section 5545(a) total less than 8 hours, such premium pay shall be paid for those hours which, when combined with such total, do not exceed 8 hours, and

"(B) if an employee is on a flexible schedule under which the hours that such employee must be present for work include any hours designated in or under such section 5545(a), such premium pay shall be paid for such hours so designated.

"(2) Notwithstanding section 5343(f) of this title, and section 4107(e)(2) of title 38, night differential will not be paid to any employee otherwise subject to either of such sections solely because such employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which night differential is otherwise authorized, except that such differential shall be paid to an employee on a flexible schedule under this subchapter—

"(A) in the case of an employee subject to subsection (f) of such section 5343, for which all or a majority of the hours of such schedule for any day fall between the hours specified in such subsection, or

"(B) in the case of an employee subject to subsection (e)(2) of such section 4107, for which 4 hours of such schedule fall between the hours specified in such subsection.

"§ 6124. Flexible schedules; holidays

"Notwithstanding sections 6103 and 6104 of this title, if any employee on a flexible schedule under section 6122 of this title is relieved or prevented from working on a day designated as a holiday by Federal statute or Executive order, such employee is entitled to pay with respect to that day for 8 hours (or, in the case of a part-time employee, an appropriate portion of the employee's biweekly basic work requirement as determined under regulations prescribed by the Office of Personnel Management).

"§ 6125. Flexible schedules; time-recording devices

"Notwithstanding section 6106 of this title, the Office of Personnel Management or any agency may use recording clocks as part of programs under section 6122 of this title.

July 12, 1982

## CONGRESSIONAL RECORD — HOUSE

H 3995

ments as to either the officialdom that may or may not have been involved, or individuals, until we finally get the facts. That is what we are really after and what our goal is, and the interest we all have in seeing that the murders of U.S. citizens be thoroughly cleared up and people brought to justice. That is what motivates our interest and our actions.

I am pleased that we have this strong committee support.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. BARNES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. RATCHFORD).

(Mr. RATCHFORD asked and was given permission to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, my concern is generally with the direction of our foreign policy in El Salvador, where I am among those who feel that we have put much too much emphasis on a military involvement and not enough concern on human rights or economic development.

But, my concern is specifically directed toward the lack of progress experienced as it relates to a prompt or speedy trial for those implicated already and not yet implicated in the murders of six religious workers.

Jean Donovan was one of those religious workers. Her brother, Mike Donovan, lives in Danbury, Conn., my hometown. I think it is appropriate, Mr. Speaker, as other Members have done, as the gentleman from Massachusetts did, to look back in the history of this matter.

The event which concerns me took place on December 2, 1980—December 2, 1980. In that period of time, in my judgment, there has been token little progress. Yes, six former National Guardsmen were arraigned in February 1982, but that was 14 months after the crime in question. And now, 5½ months later, very little is heard of the trial; very little is heard about further investigations; very little is expressed as far as concern on behalf of our Government through the State Department about bringing to resolution those who are responsible for the murders of the six religious workers.

I have a greater concern. During this period of time, from December 2, 1980, until today, July 12, 1982, the families of those murdered have been put off, have been brushed off, have been demeaned, and now they are being ignored. Frankly, as a Member of Congress, as someone generally concerned with foreign policy, as someone always concerned with human rights, I find it appalling that in July 1982 the attitude of those involved in our State Department appears to be "ignore the situation and perhaps it will go away."

To the credit of the members of the Foreign Affairs Committee on both sides of the aisle, to the direct credit of Chairman ZABLOCKI; to the direct credit of subcommittee Chairman

BARNES, that attitude of the State Department, that attitude that if we ignore it long enough the situation will go away, is not being tolerated.

What this resolution does, a resolution that comes to us with bipartisan support from the committee and unanimous backing at the level of the Foreign Affairs Committee, is a resolution of concern, concern that Members of Congress want a prompt trial, want further investigation, want a resolution of the crime, and say today that further military aid will not be certified until we have that resolution.

So, I applaud the effort. I thank those directly involved, and on behalf of Jean Donovan's family may we say publicly, thank you for not forgetting a brave religious worker and a brave American.

● Mrs. ROUKEMA. I urge my colleagues to support this bill to amend the certification process for aid to El Salvador to include specific certification on the progress of the investigation into the disappearance of John Sullivan, a freelance journalist missing in El Salvador since December 28, 1980, and a resident of my congressional district.

This bill also requires specific certification on progress in the investigation into the murders of six other Americans in El Salvador.

I would like to commend the efforts of the gentleman from Massachusetts (Mr. STUBBS) and the gentleman from New York (Mr. GILMAN) for their leadership in the Foreign Affairs Committee on this issue. In a bipartisan spirit that demonstrates our desire to see the Sullivan case solved, both gentlemen amended this legislation in committee to specifically include reference to Mr. Sullivan.

There are several important reasons to include the Sullivan case in future certification reports by the President. First, it specifically and officially states that the United States places a high priority on solving Mr. Sullivan's disappearance and requires the Salvadoran Government to undertake all reasonable efforts to investigate the disappearance.

Second, we have placed a heavy reliance upon the Salvadoran Government to solve the case. While the American Embassy has been able to do some investigative work by checking official records and other available sources, our Embassy has neither the authority nor the expertise to carry out an extensive investigation. Consequently, the United States is largely dependent upon the resources of the Salvadoran Government and its willingness to pursue the case with all possible diligence.

Third, it is important to point out that 18 months have passed since Mr. Sullivan's disappearance. Meanwhile, the Salvadoran Government has produced no evidence in this case through its own investigation. During this time, Mr. Sullivan's family has gone through tremendous mental anguish.

Including the Sullivan case in the certification process will give assurances to the Sullivan family and the American people that all parties—the U.S. Government and the Salvadoran Government—are pursuing this matter in an orderly fashion.

I must stress the urgency of this action with the next certification deadline falling upon July 28, 1982. It is, therefore, essential that this bill be passed under suspension of the rules to expedite enactment into law. Furthermore, I have every hope that the other body will move quickly on this. I have sent, along with 13 other Members of the New Jersey congressional delegation, a letter to the chairman of the Foreign Relations Committee of the other body urging prompt consideration of an identical measure by that committee.

The text of the letter follows:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., July 12, 1982.

HON. CHARLES H. PERCY,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As Members of the New Jersey congressional delegation, we urge your Committee to act expeditiously on S.J. Res. 208, which concerns the Presidential certification process required for continued military assistance to El Salvador.

A provision in S.J. Res. 208 of considerable interest to us is the addition to the certification process requiring the President to certify that the Salvadoran government "has taken all reasonable steps to investigate the disappearance of journalist John Sullivan."

Mr. Sullivan is a resident of Bogota, New Jersey and his disappearance from a hotel in San Salvador was discovered in January 1981. There is some question as to the degree of priority attached to the case by the Salvadoran government, particularly in light of the considerable time which has elapsed without any hard evidence.

Consequently, we believe that the United States government's concern as to Mr. Sullivan's whereabouts should be underscored in a formal manner and that the Salvadoran government should be required to report its continuing efforts in this matter. S.J. Res. 208, which is identical to H.J. Res. 494, currently pending in the House, would accomplish these goals.

Furthermore, it is essential that action on this legislation be taken soon so that the requirements in the legislation will be effected in the next certification, due on July 28. We appreciate your cooperation in this matter.

Nicholas F. Brady, U.S. Senator; Bill Bradley, U.S. Senator; Frank J. Guarini, Member of Congress; Matthew J. Rinaldo, Member of Congress; Robert A. Roe, Member of Congress; Millicent Fenwick, Member of Congress; Peter W. Rodino, Jr., Member of Congress; Marge Roukema, Member of Congress; Harold C. Hollenbeck, Member of Congress; Joseph G. Minish, Member of Congress; James J. Howard, Member of Congress; Edwin B. Forsythe, Member of Congress; James J. Florio, Member of Congress; James A. Courter, Member of Congress. ●

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Mr. BARNES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

July 12, 1982

## CONGRESSIONAL RECORD — HOUSE

H 3997

"§ 6126. Flexible schedules; credit hours; accumulation and compensation

"(a) Subject to any limitation prescribed by the Office of Personnel Management or the agency, a full-time employee on a flexible schedule can accumulate not more than 24 credit hours, and a part-time employee can accumulate not more than one-fourth of the hours in such employee's biweekly basic work requirement, for carryover from a biweekly pay period to a succeeding biweekly pay period for credit to the basic work requirement for such period.

"(b) Any employee who is on a flexible schedule program under section 6122 of this title and who is no longer subject to such a program shall be paid at such employee's then current rate of basic pay for—

"(1) in the case of a full-time employee, not more than 24 credit hours accumulated by such employee, or

"(2) in the case of a part-time employee, the number of credit hours (not excess of one-fourth of the hours in such employee's biweekly basic work requirement) accumulated by such employee."

"§ 6127. Compressed schedules; agencies authorized to use

"(a) Notwithstanding section 6101 of this title, each agency may establish programs which use a 4-day workweek or other compressed schedule.

"(b)(1) An employee in a unit with respect to which an organization of Government employees has not been accorded exclusive recognition shall not be required to participate in any program under subsection (a) unless a majority of the employees in such unit who, but for this paragraph, would be included in such program have voted to be so included.

"(2) Upon written request to any agency by an employee, the agency, if it determines that participation in a program under subsection (a) would impose a personal hardship on such employee, shall—

"(A) except such employee from such program; or

"(B) reassign such employee to the first position within the agency—

"(i) which becomes vacant after such determination,

"(ii) which is not included within such program,

"(iii) for which such employee is qualified, and

"(iv) which is acceptable to the employee.

A determination by an agency under this paragraph shall be made not later than 10 days after the day on which a written request for such determination is received by the agency.

"§ 6128 Compressed schedules; computation of premium pay

"(a) The provisions of sections 5542(a), 5544(a), and 5550(2) of this title, section 4107(e)(5) of title 38, section 7 of the Fair Labor Standards Act (29 U.S.C. 207), or any other law, which relate to premium pay for overtime work, shall not apply to the hours which constitute a compressed schedule.

"(b) In the case of any full-time employee, hours worked in excess of the compressed schedule shall be overtime hours and shall be paid for as provided by the applicable provisions referred to in subsection (a) of this section. In the case of any part-time employee on a compressed schedule, overtime pay shall begin to be paid after the same number of hours of work after which a full-time employee on a similar schedule would begin to receive overtime pay.

"(c) Notwithstanding section 5544(a), 5546(a), or 5550(1) of this title, or any other applicable provision of law, in the case of any full-time employee on a compressed

schedule who performs work (other than overtime work) on a tour of duty for any workday a part of which is performed on a Sunday, such employee is entitled to pay for work performed during the entire tour of duty at the rate of such employee's basic pay, plus premium pay at a rate equal to 25 percent of such basic pay rate.

"(d) Notwithstanding section 5546(b) of this title, an employee on a compressed schedule who performs work on a holiday designated by Federal statute or Executive order is entitled to pay at the rate of such employee's basic pay, plus premium pay at a rate equal to such basic pay rate, for such work which is not in excess of the basic work requirement of such employee for such day. For hours worked on such a holiday in excess of the basic work requirement for such day, the employee is entitled to premium pay in accordance with the provisions of section 5542(a) or 5544(a) of this title, as applicable; or the provisions of section 7 of the Fair Labor Standards Act (29 U.S.C. 207) whichever provisions are more beneficial to the employee.

"§ 6129. Administration of leave and retirement provisions

"For purposes of administering sections 6303(a), 6304, 6307 (a) and (c), 6323, 6326, and 8339(m) of this title, in the case of an employee who is in any program under this subchapter, references to a day or workday (or to multiples or parts thereof) contained in such sections shall be considered to be references to 8 hours (or to the respective multiples or parts thereof).

"§ 6130. Application of programs in the case of collective bargaining agreements

"(a)(1) In the case of employees in a unit represented by an exclusive representative, any flexible or compressed work schedule, and the establishment and termination of any such schedule, shall be subject to the provisions of this subchapter and the terms of a collective bargaining agreement between the agency and the exclusive representative.

"(2) Employees within a unit represented by an exclusive representative shall not be included within any program under this subchapter except to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative.

"(b) An agency may not participate in a flexible or compressed schedule program under a collective bargaining agreement which contains premium pay provisions which are inconsistent with the provisions of section 6123 or 6128 of this title, as applicable."

"§ 6131. Criteria and review

"(a) Notwithstanding the preceding provisions of this subchapter or any collective bargaining agreement and subject to subsection (c) of this section, if the head of an agency finds that a particular flexible or compressed schedule under this subchapter has had or would have an adverse agency impact, the agency shall promptly determine not to—

"(1) establish such schedule; or

"(2) continue such schedule, if the schedule has already been established.

"(b) For purposes of this section, 'adverse agency impact' means—

"(1) a reduction of the productivity of the agency;

"(2) a diminished level of services furnished to the public by the agency; or

"(3) an increase in the cost of agency operations (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule.

"(c)(1) This subsection shall apply in the case of any schedule covering employees in

a unit represented by an exclusive representative.

"(2)(A) If an agency and an exclusive representative reach an impasse in collective bargaining with respect to an agency determination under subsection (a)(1) not to establish a flexible or compressed schedule, the impasse shall be presented to the Federal Service Impasses Panel (hereinafter in this section referred to as the 'Panel').

"(B) The Panel shall promptly consider any case presented under subparagraph (A), and shall take final action in favor of the agency's determination if the finding on which it is based is supported by evidence that the schedule is likely to cause an adverse agency impact.

"(3)(A) If an agency and an exclusive representative have entered into a collective bargaining agreement providing for use of a flexible or compressed schedule under this subchapter and the head of the agency determines under subsection (a)(2) to terminate a flexible or compressed schedule, the agency may reopen the agreement to seek termination of the schedule involved.

"(B) If the agency and exclusive representative reach an impasse in collective bargaining with respect to terminating such schedule, the impasse shall be presented to the Panel.

"(C) The Panel shall promptly consider any case presented under subparagraph (B), and shall rule on such impasse not later than 60 days after the date the Panel is presented the impasse. The Panel shall take final action in favor of the agency's determination to terminate a schedule if the finding on which the determination is based is supported by evidence that the schedule has caused an adverse agency impact.

"(D) Any such schedule may not be terminated until—

"(i) the agreement covering such schedule is renegotiated or expires or terminates pursuant to the terms of the agreement; or

"(ii) the date of the Panel's final decision, if an impasse arose in the reopening of the agreement under subparagraph (A) of this paragraph.

"(d) This section shall not apply with respect to flexible schedules that may be established without regard to the authority provided under this subchapter."

"§ 6132. Prohibition of coercion

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

"(1) such employee's rights under sections 6122 through 6126 of this title to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

"(2) such employee's right under section 6127(b)(1) of this title to vote whether or not to be included within a compressed schedule program or such employee's right to request an agency determination under section 6127(b)(2) of this title.

"(b) For the purpose of subsection (a), the term "intimidate, threaten, or coerce" includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6133. Regulations; technical assistance; program review

"(a) The Office of Personnel Management shall prescribe regulations necessary for the administration of the programs established under this subchapter.

H 3998

## CONGRESSIONAL RECORD — HOUSE

July 12, 1982

"(b)(1) The Office shall provide educational material, and technical aids and assistance, for use by an agency in connection with establishing and maintaining programs under this subchapter.

"(2) In order to provide the most effective materials, aids, and assistance under paragraph (1), the Office shall conduct periodic reviews of programs established by agencies under this subchapter particularly insofar as such programs may affect—

"(A) the efficiency of Government operations;

"(B) mass transit facilities and traffic;

"(C) levels of energy consumption;

"(D) service to the public;

"(E) increased opportunities for full-time and part-time employment; and

"(F) employees' job satisfaction and non-worklife.

"(c) With respect to employees in the Library of Congress, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Librarian of Congress."

(b) The table of sections at the beginning of such chapter is amended—

(1) by inserting before the item relating to section 6101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(2) by adding at the end thereof the following:

"SUBCHAPTER II—FLEXIBLE AND COMPRESSED WORK SCHEDULES

"Sec.

"6120. Purpose.

"6121. Definitions.

"6122. Flexible schedules; agencies authorized to use.

"6123. Flexible schedules; computation of premium pay.

"6124. Flexible schedules; holidays.

"6125. Flexible schedules; time-recording devices.

"6126. Flexible schedules; credit hours; accumulation and compensation.

"6127. Compressed schedules; agencies authorized to use.

"6128. Compressed schedules; computation of premium pay.

"6129. Administration of leave and retirement provisions.

"6130. Application of programs in the case of collective bargaining agreements.

"6131. Criteria and review.

"6132. Prohibition of coercion.

"6133. Regulations; technical assistance; program review."

SEC. 3. Section 3401(2) of title 5, United States Code, is amended by inserting "(or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title)" after "week".

SEC. 4. (a) Except as provided in subsection (b), each flexible or compressed work schedule established by any agency under the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 note) in existence on the date of enactment of this Act shall be continued by the agency concerned.

(b)(1) During the 90-day period after the date of the enactment of this Act, any flexible or compressed work schedule referred to in subsection (a) may be reviewed by the agency concerned. If, in reviewing the schedule, the agency determines in writing that—

(A) the schedule has reduced the productivity of the agency or the level of services to the public, or has increased the cost of the agency operations, and

(B) termination of the schedule will not result in an increase in the cost of the

agency operations (other than a reasonable administrative cost relating to the process of terminating a schedule),

the agency shall, notwithstanding any provision of a negotiated agreement, immediately terminate such schedule and such termination shall not be subject to negotiation or to administrative review (except as the President may provide) or to judicial review.

(2) If a schedule established pursuant to a negotiated agreement is terminated under paragraph (1), either the agency or the exclusive representative concerned may, by written notice to the other party within 90 days after the date of such termination, initiate collective bargaining pertaining to the establishment of another flexible or compressed work schedule under subchapter II of chapter 61 of title 5, United States Code, which would be effective for the unexpired portion of the term of the negotiated agreement.

SEC. 5. The amendments made by this Act shall not be in effect after three years after the date of the enactment of this Act.

SEC. 6. (a) Section 6106 of title 5, United States Code, is amended by striking out the period and inserting in lieu thereof a comma and "except that the Bureau of Engraving and Printing may use such recording clocks."

(b) The amendment made by this section shall take effect October 1, 1982. Section 5 of this Act shall not apply to the amendment made by this section.

The SPEAKER pro tempore. Is a second demanded?

Mr. DERWINSKI. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. FERRARO) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. FERRARO asked and was given permission to revise and extend her remarks, and to include extraneous material.)

Ms. FERRARO. Mr. Speaker, In 1978, the Congress authorized Public Law 95-390 a 3 year experiment for Federal agencies on the use of alternatives to the traditional fixed-schedule 8-hour day. Since then, more than 350,000 Federal employees in 1,500 organizations have taken part in this successful experiment. The legislation we are considering, S. 2240, would permit, but not require, Federal agencies to continue this program which the Office of Personnel Management found to be "successful in most situations from the perspective of experimenting organizations and individuals."

This Federal experience closely parallels the private sector experience. There is a substantial body of literature concerning the use of alternative work schedules in the private sector. Over 10 million full-time workers in thousands of different firms enjoy

flexible schedules and compressed work weeks. These variations from the standard, fixed schedule 8-hour workday evolved as a means of coping with social change, particularly the dramatic increase of women in the work force, and the desire of all employees for a better accommodation between their working and personal lives. Employers found that they benefited from higher usage of buildings and equipment, decreased traffic congestion, and improved attendance, punctuality and morale. Employees felt they had more control over their working lives.

Flexible schedules have also helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities.

Because most Members are familiar with this issue, I will only summarize the background. The act required the Office of Personnel Management (OPM) to submit an interim report on the results of the experiment and legislative recommendations no later than September 30, 1981, so that Congress would have sufficient time to consider permanent legislation in an orderly fashion. I had planned to hold hearings last October. We did not receive the report from OPM until November 9, and as a result, our hearings had to be postponed. The report, as I have already said, found the experiment successful, but it did not contain the mandated legislative proposal.

When the administration failed to submit legislative recommendations, and only 8 weeks remained prior to the expiration of the original experiment, I introduced legislation in January. That legislation would have permanently authorized the same program which had been found to be successful.

On March 2 this house voted 255-142 in favor of H.R. 5366, the legislation which I introduced to permanently authorize the program. Unfortunately, the administration's opposition resulted in an insufficient vote to suspend the rules and pass the legislation. Because the entire program was about to terminate at the end of March, Congress approved an emergency extension which is currently in place, but will expire beginning July 24.

Despite a lack of facts to support their position, the administration has consistently contended that more management control over use of AWS is necessary. The administration working with my subcommittee and the appropriate committee in the other body developed legislation which was acceptable to them. That legislation, as initially introduced in the other body, would have altered the delicate balance between management rights and employee participation which have contributed to the success of the program. I believe that the bill which I introduced in January, which is identical

July 12, 1982

## CONGRESSIONAL RECORD — HOUSE

H 3999

to the current program, is a better piece of legislation. However, facing the reality of the fact that we could not pass legislation over administration opposition, last month I introduced legislation which contains the administration supported provisions, but with some modifications.

The administration supported bill which had been introduced in the Senate, S. 2240, was amended on June 30 to incorporate the provisions of my legislation. The amended bill, which is almost identical to my legislation, then passed the Senate by a vote of 93-2. That is the legislation which we have before us today.

I would like to briefly discuss the changes in this bill from the current program.

Section 4 of this legislation provides that flexible or compressed work schedules which are currently in existence and were established under the Federal Employee Flexible and Compressed Work Schedule Act of 1978 shall be continued by the agency concerned. The only exception to this continuation, if the program is contained in a contract provision, can occur during the 90-day period after the date of enactment of this act. During this period the agency may terminate the program, if it determines in writing that the current schedule has: First, reduced the productivity of the agency or level of services to the public or increased the cost of the agency's operations; and second, the termination will not result in an increased cost of agency operation.

Termination was an item which the administration insisted be in this legislation before it would support reauthorization. I believe that the legislation which is currently in existence and which closely parallels the bill which I introduced last January provides adequate authority for the cancellation of any program which is not in the best interest of the Government. But in order to insure that legislation was enacted, I included this provision in the bill which I introduced on June 15 and the bill we are considering today. There are several issues related to this section which I would like to explain.

Because of administration insistence, the decision to terminate is not negotiable or reviewable. If such termination occurs, however, the agency or the exclusive representation of the employees covered may, if written notice has been given to the other party within 90 days after the date of the termination, initiate collective bargaining pertaining to the establishment of a different alternative work schedule.

This requirement to negotiate applies to those agencies where there are agreements containing a provision for alternative work schedules or separate agreements for alternative work schedules in existence on the date of enactment of this bill. These negotiations for a new alternative work schedule shall be governed by existing law

and the provisions of sections 6130 and 6131 of this bill.

In addition, I attempted to meet the concerns of several of the industrial unions which feared the imposition of alternative work schedules against the wishes of the employees by including a 3-year time limitation on the authorization.

In section 6131(b), the definition of "adverse agency impact," "(3) an increase in the cost of agency operations other than a reasonable administrative expense relating to the process of establishing a flexible or compressed schedule", is intended to prohibit a determination of an adverse agency impact based on cost if there is no increase other than a reasonable administrative cost which would be expected in the process of the establishing of a flexible or compressed work schedule. The legislation clearly intends that the agency may not refuse to establish or continue an alternative work schedule program merely because there is a small administrative cost associated with the administration of that program.

The requirement in section 4 that an agency must determine prior to termination that such termination will not result in an increase in the cost of agency operations is intended in a similar manner.

The reasonable administrative costs related to the process of terminating a program are not intended to be considered as prohibiting termination of the schedule under section 4 of this legislation. I included this section because in a survey which I requested, GAO found that the cost to the Government of terminating the AWS programs in just 44 units employing 44,000 workers would be more than \$1.4 million annually.

In section 6131, paragraph (2) of subsection (c) provides that an impasse resulting from an agency determination to not establish an alternative work schedule be presented to the Federal Service Impasses Panel. The agency will bear the burden in showing that such a schedule is likely to have an adverse agency impact. If the agency's presentation does not convince the Panel that the imposition of the particular alternative work schedule at issue would likely cause an adverse agency impact, the Panel will direct the parties to return to the bargaining table and to continue negotiations on an alternative work schedule. The only determination to be made by the Panel under section 6131 would be the specific issue of whether or not the agency has shown that the alternative work schedule over which impasse has been reached would result in an adverse agency impact.

I must say that I am particularly concerned about adding to the burden of the Federal Service Impasses Panel. At the end of this statement I will be putting into the RECORD a letter which I received from the Chairman of the Panel, Robert G. Howlett. Chairman

Howlett points out that within the Federal Labor Relations Authority the Panel has worldwide jurisdiction over all negotiation impasses arising under title VII of the Civil Service Reform Act. In order to carry out this mandate, the Panel has only a small staff, currently only four full-time and one part-time professional employees. The Panel has an increasing caseload and has suffered serious decreases in resources. We must be certain Congress and the administration support adequate staffing for the Impasses Panel because we are adding to the already overburdened employees.

While this is not the bill which I or anyone who was involved in the issue would have had as our first choice, I believe that in view of the administration's opposition to the continuation of the current program, and their support of this bill, it is the most reasonable and responsible legislation which we can enact at this time. I urge my colleagues to join me in support of this legislation.

The letter from Mr. Robert G. Howlett follows:

FEDERAL SERVICE IMPASSES PANEL,  
Washington, D.C., June 11, 1982.

HON. GERALDINE A. FERRARO,  
Chairwoman, Human Resources Subcommittee,  
Post Office and Civil Service Committee, House of Representatives,  
Cannon House Office Building, Washington, D.C.

DEAR CHAIRWOMAN FERRARO: As Chairman of the Federal Service Impasses Panel, I am writing with regard to legislation which provides permanent authorization for Federal agencies to use alternative work schedules (AWS). I have been informed that you intend to introduce legislation similar to that pending in the Senate (S. 2240). The purpose of this letter is to let you know the probable impact of this legislation on the Panel.

As an entity within the Federal Labor Relations Authority, the Panel has worldwide jurisdiction over all negotiation impasses arising under Title VII of the Civil Service Reform Act. In resolving these impasses, the Panel, currently composed of five Presidential appointees who work on a part-time basis, is assisted by a small staff located in Washington, D.C. At present, the Panel employs only four full-time and one part-time professional staff members. Because of our rapidly rising caseload (we experienced a 55 percent increase in case filings in FY 1981 and are experiencing a further increase this fiscal year) and our loss of three full-time professional staff positions during the past year, the staff is currently overburdened in processing cases. For example, during the first seven months of FY 1982, it took the Panel an average of 140 days from our receipt of a request for assistance to issue a *Decision and Order* (based on the parties' written submissions) resolving the dispute, a 33 percent increase over our case-processing time during FY 1981.

I support the concept of the proposed statute. The Panel is well qualified to resolve AWS impasses. However, our present staff is so small that I am concerned whether we can be effective unless we are afforded additional professional and secretarial assistance. I hope that the Congress will provide the Panel with the necessary resources if the legislation is enacted.



H 4000

## CONGRESSIONAL RECORD — HOUSE

July 12, 1982

Thank you for your consideration. If you need additional information, please contact me at the Panel's office.

Sincerely,

ROBERT G. HOWLETT,  
Chairman.

Mr. DERWINSKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, as one of the original supporters of a test program which authorized Federal agencies to experiment with flexible and compressed work schedules, I am happy to endorse this bill. In extending the use of these schedules for 3 more years, the legislation gives Federal managers broad discretion to prevent disruption of agency operations or additional costs.

Based on the record of the past 3 years, the use of compressed or flexible work schedules has increased productivity, provided more service to the public and enhanced employee morale. It has become a valuable part of the Federal personnel system. The bill before us has the endorsement of the Office of Personnel Management and is supported by nearly all Federal employee organizations concerned with the issue.

Last March, Congress approved a 4-month extension of the experimental program to permit additional time in drafting permanent legislation. The legislation before us must be passed before the end of the month, if the program is to continue.

Under provisions of the bill, a program may be terminated if it is not in the best interest of the public, the Government, or the employee. An individual worker may request an agency to exclude him or her from a compressed time schedule on grounds of personal hardship.

During the last 3 years, more than 325,000 Federal employees in 1,500 organizations took part in the experimental alternate work schedule program. The interim report of the Office of Personnel Management indicated that 90 percent of the employees and the great majority of supervisors participating in the experiment wished to continue flexible work schedules. In view of the positive results of the program, it deserves to be extended. It is a personnel innovation which has demonstrated its worth.

I urge your support for a program that will continue to improve productivity and service to the public.

Mr. Speaker, I share the comments made by the gentlewoman from New York (Ms. FERRARO). She has worked long and hard to solve some of the problems that existed earlier.

I think we have a good, sound bill. I would like to point out that the practical feature of it is to give the executive branch some management tools. Flexitime is a management tool, and if

properly utilized, it could effectively produce the kind of service that we all ask the often-maligned Federal bureaucracy to provide to the taxpayers and the citizens of this country. I think that is the positive attitude that we want to bring out.

I commend the gentlewoman from New York (Ms. FERRARO) for her persistence and patience in these legislative struggles.

Mr. Speaker, under general leave, the gentleman from Virginia (Mr. PARRIS), who we all know represents a goodly number of Federal employees, will be allowed to insert his remarks following my remarks.

Mr. Speaker, at this point I wish to insert a letter from Donald J. Devine, Director of the Office of Personnel Management, which was addressed to the Honorable WILLIAM D. FORD, chairman of the House Committee on Post Office and Civil Service, expressing support for this legislation. The letter is as follows:

OFFICE OF PERSONNEL MANAGEMENT,  
Washington D.C., July 9, 1982.

Hon. WILLIAM D. FORD,  
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that the House of Representatives is scheduled to consider S. 2240, a bill "to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules," on July 12, 1982. This letter is to advise you of our support for this bill.

Under Public Law 95-390, the Federal Employees Flexible and Compressed Work Schedules Act of 1978, the Government has conducted a three-year experiment with the use of alternative work schedules. This experiment (which has been temporarily extended by Public Law 97-160) has shown that alternative work schedules can be valuable and should be continued where appropriate, but the experiment has also shown that there is a serious need for greater management controls over the use of such schedules than was provided by Public Law 95-390.

S. 2240, as passed by the Senate, would accomplish these goals. The authority to utilize flexible and compressed schedules in the Federal Government would be continued for three more years, and the law would also provide a review mechanism where by agency management could ensure that the use of such alternative work schedules would not adversely affect agency productivity or service to the public, or increase the cost of agency operations. The bill would also permit agency management to terminate unilaterally any existing flexible or compressed work schedules that management finds to be having such adverse effects.

We believe that S. 2240 represents a satisfactory compromise between the normal processes of labor-management relations in the Government and the need to ensure that the public interest is protected in the area of alternative work schedules. Accordingly, the Office of Personnel Management supports the enactment of S. 2240.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report on S. 2240.

Sincerely yours,

DONALD J. DEVINE, Director.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise in strong support of this bill.

I have taken the floor on two previous occasions to indicate my concerns about the previous flexitime provision. At that time I sometimes wondered whether I should have taken the floor because of the fact that I do represent a good number of Federal employees in my own area, and I understand that flexitime is a management tool which can be used effectively. At the same time, however, it has been brought to my attention by other people that I know working in other departments of the Federal Government in this area that abuses had taken place in the already existing flexitime program, and they have brought it to my attention very forcefully and indicated that some changes were necessary if we were going to make the accommodations for a program that would be truly workable.

In this particular bill we see that there are provisions for both unilateral termination and general termination. I think they have specifically outlined those types of considerations that ought to be reviewed when making a decision with respect to unilateral termination and general termination, including such things as simple and as basic as whether a flexitime schedule either to continue or discontinue such a schedule would have an "adverse agency impact."

Those words translate into basically three things: a reduction of the productivity of the agency, a diminished level of the agency's services furnished to the public, or an increase in the agency's operational costs. Those are concerns that I think any organization, be it in Government or out of Government, ought to have at the forefront if they are going to provide a service to the intended beneficiaries, in this case the taxpayers of the United States.

So I think we have achieved a reasonable compromise, such that management will have an opportunity to utilize flexitime as a prudent management tool. It will be there as an attraction, I think, for Federal employees currently in the work force and for those who might be considering whether they are going to join the Federal work force, and at the same time there are sufficient protections, I believe, in this particular bill that insure that we will not have a recurrence of some of the abuses that were outlined in previous programs or abuses that perhaps we cannot forecast at this time but which may crop up in the future.

In essence, I think it makes good business sense to allow the flexibility to the Government, and I applaud the authors and the chairman of the subcommittee and the ranking minority member for staying with this, despite

July 12, 1982

## CONGRESSIONAL RECORD — HOUSE

H 4001

the fact that there were some complaints over the previous efforts. I think in the long run it will be beneficial both to the Federal workers and to the taxpayers.

Mr. Speaker, I thank the gentleman from Illinois (Mr. DERWINSKI) for yielding me this time.

Mr. DERWINSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. GILMAN), who is one of the very effective and productive members of the Committee on Post Office and Civil Service.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. DERWINSKI).

Mr. Speaker, I want to commend the subcommittee chairman for bringing this measure to the floor at this time, and I rise in support of the motion to suspend the rules and pass S. 2240, the Federal Employees Flexible and Compressed Work Schedules Act of 1982. The Senate, on June 30, 1982, passed this measure by a vote of 92 to 3, and the administration, in letters to the House leadership, has indicated that it supports passage of S. 2240.

As a long-time supporter of the alternative work schedules (AWS) program, and as a member of the Subcommittee on Human Resources, which has jurisdiction over this issue, I have come to recognize that this program significantly boosts employee morale and contributes to increasing Government efficiency. Indeed, a study by the Office of Personnel Management found that a vast majority of participating supervisors and employees strongly endorse this program.

As my colleagues recall, the House in March failed to pass under suspension a permanent authorization of the experimental and temporary AWS program enacted in 1978. Later that month, Congress passed a temporary extension of the AWS program which expires at the end of this month. Thus, if the AWS program is to continue, it is imperative that the House pass S. 2240.

While provisions of this measure differ from those contained in the original legislation enacted in 1978 and from those in the AWS bill reported from our subcommittee earlier this year, I believe that S. 2240 provides us with the essential compromise we need at this late hour if the AWS program is to continue uninterrupted.

Accordingly, because the AWS program has proved to be an effective morale builder for our Federal employees, and because the program has demonstrated that it is cost-effective, I urge my colleagues to suspend the rules, and pass S. 2240.

Ms. FERRARO. Mr. Speaker, I yield 8 minutes to the gentleman from Iowa (Mr. BEDELL).

(Mr. BEDELL asked and was given permission to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, I thank the gentlewoman from New York (Ms. FERRARO) for yielding this time to me.

Mr. Speaker, I rise in support of this legislation, but I also rise to point out a problem that I think the Members of the Congress should be made well aware of. One of the functions I perform as part of my job is to go out and make unannounced visits to Federal agencies. I walk unannounced into an agency, selected at random, and visit with the employees and supervisors regarding their work.

A number of the agencies which I have visited operate with flexitime schedules. As I said, I support flexitime schedules for Federal employees. I think certainly it is beneficial for the employees and the Government and I believe we ought to work in every way we can to receive maximum productivity while providing employees a pleasant work environment and allowing them to take best advantage of their free time.

However, in all my visits I have only found one agency that was operating under flexitime schedules where accurate records were being kept. In this agency I believe accountability was provided because of a simple sign-in, sign-out accounting procedure called seriatim timesheets.

My point in rising to support this legislation is that we as Members of Congress must demand adequate recordkeeping and accountability from those agencies that operate under flexitime schedules. I am pleased to say that the administration recently joined me in my efforts to bring better accountability to flexitime schedules with the announcement by the Office of Personnel Management Director Donald Devine, that his agency will be investigating the use of seriatim timesheets for employees working under flexitime schedules.

□ 1330

Under seriatim timesheets each employee records his or her time of arrival and departure in order, one right after the other. This seriatim procedure is a simple method of assuring greater accountability for those employees that work under flexitime schedules.

I greatly appreciate the cooperation and interest the committee has shown in this regard. Congresswoman Ferraro has been helpful in bringing this time accounting method to the attention of the General Accounting Office. While there may be some difficulties with legislating this single accounting procedure for all Federal employees I am pleased that the GAO recognizes that this procedure does provide benefits for a number of offices that operate under flexitime schedules.

I support flexitime schedules and urge the passage of this legislation. I look forward to developments by the

Office of Personnel Management and GAO for the use of seriatim time accounting sheets to help bring greater accountability to this beneficial program.

Ms. FERRARO. Will the gentleman yield?

Mr. BEDELL. I yield to the gentlewoman from New York.

Ms. FERRARO. I thank the gentleman for his comments and also for bringing this issue to the attention of the committee.

We will have in the report language a statement on accountability because the gentleman did raise this issue before. The statement is:

Because employees working flexible schedules will arrive and depart at varying times the committee believes it is important that a system exists for providing accountability for hours worked to ensure the credibility of the program from the perspective of the employees, management, and the public. One such system, for example, could be a sequential sign-in, sign-out sheet.

We did contact the General Accounting Office in order to find out whether or not there was a set way that we should determine how people should sign in or sign out and whether this could be used on a Government-wide agency basis.

We received a letter dated May 24, which I would ask unanimous consent also be included in the Record at this point.

In that letter we asked four questions with reference to the particular matter the gentleman brought up. One was:

Do you foresee any problems with legislating a Government-wide seriatim time-accounting requirement for all offices using flexible schedules?

The answer was:

We would prefer that the agencies have the latitude to select the best method that suits their particular circumstances.

Question 2:

Would exceptions to the requirement be necessary?

The answer was:

Exceptions would undoubtedly be necessary if seriatim time accounting were legislated. For example, there are numerous situations where employees such as auditors, farm agents, forest rangers, and law enforcement officials work at remote or off-site locations. Other problems arise when employees are at training sessions, on travel status, or at meetings. Employees under these circumstances do not have direct supervision or a facility to sign in and sign out.

Finally:

Does the General Accounting Office feel that legislative or administrative requirements would be more appropriate in this area?

They felt:

Administratively imposed time accounting requirements would be more appropriate than legislative imposed requirements because administrative controls are more amenable to change and can be adapted to meet the individual needs of all agencies.

H 4002

## CONGRESSIONAL RECORD — HOUSE

July 12, 1982

I think with the language as set forth and with the legislative history of this bill and the discussion we have had, we have certainly put the agencies on notice that we expect good management with reference to this.

The letter referred to follows:

COMPTROLLER GENERAL  
OF THE UNITED STATES,

Washington, D.C., May 24, 1982.

HON. GERALDINE A. FERRARO,  
Chairwoman, Subcommittee on Human Resources,  
Committee on Post Office and Civil Service,  
House of Representatives.

DEAR MADAM CHAIRWOMAN: As you requested in your letter of April 23, 1982, we have studied the four questions on the legislative proposal to incorporate a requirement in the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (H.R. 5366) that seriatim time accounting be required in all Government offices using flexible work schedules. The specific questions raised and our responses follow.

Question 1. Do you foresee any problems with legislating a Government-wide seriatim time accounting requirement for all offices using flexible schedules?

H.R. 5366 amended title 5 of the United States Code to allow agencies to implement several different flexible and compressed work schedules. Based on our experience in writing "Title 6: Pay, Leave, and Allowances" of the "General Accounting Office Policy and Procedures Manual For Guidance of Federal Agencies" and in reviewing and auditing the designs of agency payroll systems, we do not believe it practical for any one standard form of time accounting to be legislated for all offices using flexible work schedules. There are several time accounting techniques that, if properly administered, would achieve the same result. Based on the particular circumstances, any one of these may be the most efficient and effective. A sign in/sign out sheet by time of arrival and departure (seriatim time accounting) is one way, time clocks are another way, and use of the standard time and attendance procedures (with proper supervisory controls) is a third way. Use of a mini-computer, with plastic employee identification cards and a turnstile (similar to the metro fare card system), is now being considered by some agencies. Use of these techniques is recommended for employees on flexible work schedules. For others on a more restrictive form of alternate work schedule, in small offices, or in widely dispersed offices with a few employees in each office, and conventional time and attendance recording by a timekeeper would be appropriate. Based on the particular circumstances of an office, all of the above methods have advantages. We would prefer that the agencies have the latitude to select the best method that suits their particular circumstances. In audits and reviews of payroll systems, auditors should evaluate the time accounting procedures selected to assure proper usage.

Title 6 requires that agencies must establish time accounting requirements under which timekeepers and supervisors assure themselves that all employees, regardless of their work schedule, are present for duty the required number of hours. To effectively carry out any time accounting system, supervisors must provide direct supervision to assure that all employees are on the job when they are supposed to be and are being effectively used. Supervisors are the key; they must properly do their job and assure that the selected time accounting system works effectively. In those situations where supervisors and employees do not work identical hours, additional supervisory controls

should be implemented. For example, to insure coverage throughout the day, the supervisor might be responsible for assuring that employees arrive on time while another monitors departures. The key point is that even under seriatim time accounting procedures, some supervisory control must be exercised. When appropriate, supervisors should also monitor the amount and quality of work performed to assure adequate productivity.

Question 2. Would exceptions to the requirement be necessary?

Exceptions would undoubtedly be necessary if seriatim time accounting were legislated. For example, there are numerous situations where employees such as auditors, farm agents, forest rangers, and law enforcement officials work at remote or offsite locations. Other problems arise when employees are at training sessions, on travel status, or at meetings. Employees under these circumstances do not have direct supervision or a facility to sign in and out. Their timekeepers are located at another location, and effective seriatim time accounting could not be maintained in such instances. In those locations where time clocks are used, a duplication of effort would result if an exception was not granted. We believe that the use of time clocks would be equivalent to a seriatim time accounting form. There would, therefore, be no need to change their procedures. Finally, in cases where unions are involved, seriatim time accounting might be contrary to current union agreements.

Question 3. What degree of administrative effort would be necessary to implement such a requirement?

There is a high degree of administrative effort connected with most time accounting and reporting methods, including the one proposed. The proposed method would require more administrative effort than some other methods, such as the traditional time and attendance form, but may in some circumstances be the most efficient and effective method. Timekeepers and supervisors would be required under most systems to oversee and administer the seriatim time accounting procedures. They would also have to continue to maintain the regular time and attendance reports that record hours worked and leave taken, job orders charged, and other cost accounting information that serves as input to the payroll and accounting systems.

We do not believe that the amount of administrative effort required should be the only factor affecting the selection of a time accounting system. The important thing is whether or not the system will result in the Government receiving the best efforts of its employees. Consequently, we believe emphasis should be placed on agencies using effective supervisory controls and choosing whatever method provides the necessary administrative controls without creating undue cost in terms of excessive administrative procedures and recordkeeping.

Question 4. Does the General Accounting Office feel that legislative or administrative requirements would be more appropriate in this area?

In our view, administratively imposed time accounting requirements would be more appropriate than legislatively imposed requirements because administrative controls are more amenable to change and can be adapted to meet the individual needs of all agencies. We suggest that the legislation permitting flexible work schedules state that agencies must follow the requirements of "Title 6: Pay, Leave, and Allowances" of the "General Accounting Office Policy and Procedures Manual For Guidance of Federal Agencies." This is the vehicle presently in

existence to set forth requirements regarding pay-related matters, including time accounting and reporting. Upon passage of legislation permitting flexible work schedules, we are prepared to incorporate in title 6 guidelines which must be followed by agencies. The guidelines would, in all likelihood, permit a range of techniques so long as the basic requirement of time accounting is met. Auditors could then check to ensure that these requirements are being met through system design evaluations and audits.

If you have any additional questions relating to any of the above areas, please contact us.

Sincerely yours,

CHARLES A. BOWSER,  
Comptroller General  
of the United States.

Mr. BEDELL. I thank the chairman for the additional comments. I think we all want the same thing. I think all any of us want is adequate accountability.

I have no objection to providing the accountability that this Congress needs through administrative action. However, I believe the universal adoption of seriatim time sheets could be adopted very simply by the Federal Government if an exemption was provided for the offices where the employees do not normally work at their work stations on a regular schedule.

But I hope my colleagues realize that the lack of accountability that I observed during my unannounced visits were in offices that had employees that work at their work station on a regular basis. In these situations we should demand no less than a time recording system that provides accountability, and I believe the seriatim form of time sheets provides that accountability.

I support the Congresswoman in the passage of this legislation and am willing to work with the administration in providing adequate time accounting for employees under flexitime schedules. However, if we find that adequate time accounting is not adopted I would hope that the Congresswoman's committee would give serious consideration to taking action to provide accountability.

Ms. FERRARO. I thank the gentleman for his remarks.

● Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of S. 2240, the Federal Employees Flexible and Compressed Work Schedules Act. This legislation continues for another 3 years the use of alternative work schedules (AWS) in the Federal Government.

I want to commend the gentlewoman from New York (Ms. FERRARO) for her tireless and effective work to bring this legislation back to the floor. Back in March, this legislation got caught in the crossfire between the Federal employee unions and the Reagan administration. A 3-month extension was passed to provide time to work out the differences. During these past 3 months, Chairwoman FERRARO has been able to craft a compromise between the warring factions. And,



July 12, 1982

## CONGRESSIONAL RECORD — HOUSE

H 4003

today, she brings to the House a bill which has virtually universal support among those affected by the legislation.

The Office of Personnel Management (OPM) supports the legislation. Every major Federal employee union supports the legislation. Major organizations responsive to the interests of women in the work force support the legislation. Federal managers, Federal employees, clients of Federal agencies, and State and local officials support the legislation.

Alternative work schedules draw such broad support because they address the needs of many segments of society. Federal workers are permitted to establish work schedules which meet their needs better. Mothers can find time to take care of their children. Commuters can reduce their drive time.

Federal managers are able to reschedule their operations to serve customers more hours each day. Through the use of compressed work schedules, many Federal agencies are now open to the public 10 hours a day, instead of 8. Productivity has increased as a result of flexitime and morale has surged as well.

State and local officials like alternative work schedules because they reduce congestion on highways and mass transit systems. Less congestion, and less commuting due to compressed work schedules, mean less pollution.

Since 1978, the Federal alternative work schedules program has been an experiment. One of the target areas for experimentation has been Denver. My constituents have been delighted with the success of the program. Federal agencies in Denver serve the public better and longer. Highway congestion has been reduced. Federal managers, Federal workers, State and city officials, and consumers of Federal services have all been delighted with the program and have been wanting to know why Congress has not yet extended it.

Today is our opportunity to move the program from an experimental basis to a fully operational basis. I would prefer the legislation to establish a permanent authorization, instead of 3 years, as is provided in this bill. Still, it is better to keep the program going than to let it die.

I chaired the subcommittee which drafted the original flexitime legislation in 1978. I have been surprised by the intensity of support which exists for this program. I am sure most every Member has received calls of constituent support for alternative work schedules. This program was an experiment in worker participation in the workplace. Rather than having management set arbitrarily all aspects of employment, the flexitime program was supposed to allow workers to be involved in establishing their work schedules. That is why the original legislation and the bill before us today provides strong opportunities for em-

ployee involvement through their unions. I hope that the administration takes to heart the congressional intent that alternative work schedules should be developed by and with the workers effected.

I urge support of the legislation. ●

● Mr. PARRIS. Mr. Speaker, I rise in support of S. 2240, the Federal Employees Flexible and Compressed Work Schedules Act. Flexitime has proven to be a very successful program that does not require any additional appropriations and will improve the overall morale of the Federal work force.

We have before us legislation that is supported by the administration, Federal workers, and the unions which represent them. After considerable debate in the Senate, this same measure was approved by a 93-to-2 margin.

In 1978, a 3-year program was instituted authorizing Federal agencies to experiment with flexible and compressed work schedules. The Office of Personnel Management concluded in an interim report last fall that these alternative work schedules can produce improvements in productivity, greater service to the public and savings in costs. This bill which we are considering today would make flexitime a permanent program. This legislation would make the program a little different from the original trial program because of some compromises that had to be made between the administration, the Senate, the House, and some of the Federal employee unions. S. 2240 still contains all the elements that are necessary to provide the same benefits for the Federal workers.

As I have stated to this body in the past, we are not doing something really new and unique in the field of personnel management; but I would like to remind you that there are 10 million full-time workers in the private sector who enjoy flexible work schedules. These variations in fixed time have evolved as a means of coping with social change, particularly the dramatic increase of women in the work force. This is one of the most important aspects of this legislation.

In the past year, I have met with a number of Federal workers and the supervisors who report that flexible work schedules have worked well and should be continued. The adoption and implementation of flexible hour scheduling has enabled employees to gain some control over their hours of work. By adjusting their work hours they can meet their personal needs and preferences and still maintain their commitment to their job.

There is nothing complex about this program; the concept is quite simple. Flexible hours are those hours that proceed and follow the set hours and the time in which employees can choose their own times of arrival and departure. Flexitime may not be used by an employee to reduce hours of work, nor can it be used by an employ-

ee to relieve another employee from fulfilling a basic workweek requirement. Flexitime merely enables individuals to adjust their schedules so they can take care of personal matters like child care responsibilities or make contributions to the community by engaging in activities such as Scouting or youth sports teams. In addition, there are many elderly and handicapped people who also benefit from flexitime because they can travel to work more easily outside the hours of peak traffic.

Mr. Speaker, flexible schedules have proven to have other important aspects that benefit both employee and employer. There is very convincing evidence which indicates that this type of work scheduling has increased productivity, reduced the use of sick leave and tardiness, and has increased employee morale. In many instances, the hours of service to the public has been extended because many individuals have chosen to work earlier or later hours than the normal 9 to 5 schedule. By carefully arranging work shifts, employers can operate longer hours, resulting in increased service to the public.

By giving the supervisors this responsibility, the program has operated in a way which the employee's choice of arrival and departure does not interfere with the duties and requirements that are required of that position.

Everyone benefits from flexible work schedules. The Federal Government benefits from the program because the increased morale has led to an increase in productivity. If we want Federal workers to be effective and efficient, we must give them our support by allowing this program to continue.

The general public also benefits from this program because flexible work schedules have increased operational hours and has meant greater accessibility to services being offered by the various agencies. Another advantage of flexitime is that there has been some reduction in the number of workers who travel during peak traffic hours. This has resulted in less traffic congestion and air pollution from auto emissions of stop and go traffic.

Most importantly, the employees who participate in flexitime have an opportunity, to some extent, to determine the conditions and circumstances of their own employment. In light of the anxiety and instability created by the reduction-in-force process, the problems surrounding the health benefits program, and the extremely low cost-of-living increase given Federal workers, it is critical that we continue this important program.

I strongly support this program and I appeal to my colleagues to support Federal employees, their supervisors, and the general public, by voting in support of S. 2240. ●

The SPEAKER pro tempore. The question is on the motion offered by

H 4004

## CONGRESSIONAL RECORD — HOUSE

July 12, 1982

the gentlewoman from New York (Ms. FERRARO) that the House suspend the rules and pass the Senate bill, S. 2240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5366) was laid on the table.

## GENERAL LEAVE

Ms. FERRARO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material on the Senate bill, S. 2240, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### THE 15TH ANNUAL REPORT OF UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM, CALENDAR YEAR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, July 12, 1982.)

#### THE 25TH ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM 1980-81—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

(For message, see proceedings of the Senate of today, Monday, July 12, 1982.)

#### COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

#### COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, Washington, D.C., June 10, 1982.

Hon. THOMAS P. O'NEILL,  
*The Speaker, House of Representatives,*  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following Projects on June 9, 1982:

## CONSTRUCTION

Youngstown, Ohio: Federal Building and U.S. Courthouse.

## ACQUISITION

Dallas, Texas: 555 Griffin Square.

## REPAIR AND ALTERATION

Washington, D.C.: Liberty Loan Building, 14th and D Streets, NW.

Dallas, Texas: U.S. Postal Service Terminal Annex.

Denver, Colorado: Federal Building and U.S. Courthouse.

Lakewood, Colorado: Building 20, Denver Federal Center.

Detroit, Michigan: Federal Building and U.S. Courthouse.

Ogden, Utah: IRS Center, 1160 W. 1200 South.

Bayonne, New Jersey: Federal Records Center.

## LEASES

San Francisco, California: Embarcadero Center.

Hyattsville, Maryland: Presidential Building.

San Francisco, California: Department of Health and Human Services, 100 Van Ness Avenue.

Washington, D.C.: Star Building, 1101 Pennsylvania Avenue, NW.

Atlanta, Georgia: Department of Labor.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,  
Chairman.

#### COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Energy and Commerce:

## SUBCOMMITTEE ON OVERSIGHT

## AND INVESTIGATIONS,

Washington, D.C., July 9, 1982.

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker, House of Representatives,* Wash-  
ington, D.C.

DEAR MR. SPEAKER: On July 6, 1982, two of my staff were served with trial subpoenas commanding their appearance in the United District Court for the District of Columbia on Monday, July 12, 1982, or thereafter, to testify in *William P. Tavoulareas, et al. v. The Washington Post Co., et al. and Philip Piro*, Consolidated Civil Action Nos. 80-3032 and 2387.

As you know, the staff was previously served with deposition subpoenas on or about February 19, 1981 in this case, notification of which was laid before the House as required by Rule L (50). 127 *Cong. Rec.* H648-649 (daily ed. Feb. 24, 1981).

After we have made the requisite determinations under Rule L (50), I will notify you accordingly.

Sincerely,

JOHN D. DINGELL,  
Chairman, Subcommittee on  
Oversight and Investigations.

#### ALLEGATIONS OF ILLICIT DRUG TRAFFIC AMONG CONGRESSIONAL PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, while in San Antonio during the July 4 district work period, I received a mailgram from the distinguished majority leader, JIM WRIGHT.

I immediately addressed myself by way of acknowledgment to what I consider a fundamental issue, that the House must confront sooner or later. It is an issue I first raised during what I called the Abscam ouster meetings involving then-Representative Ozzie Myers and the subsequent cases. I offer for the RECORD at this point the copies of the correspondence:

MAILGRAM SERVICE CENTER,  
Middletown, Va.,

Hon. HENRY B. GONZALEZ: Allegations of illicit drug traffic among Congressional pages and even more shocking allegations that some Members of Congress have abused their position to demand sexual favors from these young people make it absolutely imperative that we immediately construct an official Page Dormitory with competent and dedicated supervision around the clock. It is gross negligence that we have so long delayed implementing the authorized plan for an official John W. McCormack Page Dormitory.

Immediately upon our return in July, I shall move for swift action to complete such a dormitory. It need not be an expensive architectural monument nor a costly drag on tax resources. One appropriate nearby site exists, already government owned. An adequate and proper building could be erected within months and fully amortized by rents presently being paid by Congressional pages to private landlords.

The present situation is intolerable. It is absolutely impossible under the present circumstances to guarantee wholesome supervision or even personal safety to these fine young people whom we invite to Washington as the guests and employees of the Congress. The responsibility quite clearly is our own. Our failure to act is inexcusable. To tolerate the present situation one hour longer than necessary would border on criminal negligence. Please join me in supporting this action long overdue and insisting upon its immediate implementation. If you agree, you may wish to call and advise my office of your support.